

1
2
3 **IN THE UNITED STATES DISTRICT COURT FOR THE**
4 **WESTERN DISTRICT OF MISSOURI**
 CENTRAL DIVISION

5 **UNITED STATES OF AMERICA,**) **Case No. 23-mj-03001-WJE**
6) **Plaintiff,**) **Jefferson City, Missouri**
7 **v.**) **February 13, 2023**
8 **RYAN HINE,**) **Defendant.**
9)
10 _____)

11 **TRANSCRIPT OF PRELIMINARY AND DETENTION HEARING**
12 **BEFORE THE HONORABLE WILLIE J. EPPS, JR.**
13 **UNITED STATES MAGISTRATE JUDGE**

14 **APPEARANCES:**

15 For the Plaintiff: Ms. Ashley S. Turner
16 Assistant United States Attorney
17 80 Lafayette St., Ste. 2100
 Jefferson City, MO 65101
 (573) 634-8214

18 For the Defendant: Ms. Katie Y. Wang
19 Federal Public Defender's Office
20 80 Lafayette St., Ste. 1100
 Jefferson City, MO 65101
 (573) 636-8747

21 Court Audio Operator: Ms. Angel Geiser

22 Transcribed by: Rapid Transcript
23 Lissa C. Whittaker
24 1001 West 65th Street
 Kansas City, MO 64113
 (816) 914-3613

25 Proceedings recorded by electronic sound recording, transcript
produced by transcription service.

(Court in Session at 9:49 a.m.)

MS. GEISER: Good morning. We're here on Case No. 23-mj-3001-WJE, *U.S.A. vs. Ryan Hine*. We're here for preliminary and detention hearings. Please maintain order. Thank you.

THE COURT: Hey, good morning, everyone. May I please have the appearance of the United States?

MS. TURNER: Ashley Turner for the United States.

THE COURT: Okay. Good to see you, Ms. Turner.

MS. TURNER: Good to see you.

THE COURT: And appearance of defense counsel.

MS. WANG: Katie Wang for Mr. Hine.

THE COURT: Okay. Good to see you, Ms. Wang. Good morning to you, Mr. Hine.

MR. HINE: Good morning.

THE COURT: So, it looks like we're here for a couple of hearings. In the matter of the preliminary hearing, Mr. Hine, Ms. Wang, would you like to proceed with that hearing, or do you waive it?

MS. WANG: We will be waiving the hearing, Your Honor.

THE COURT: Okay. Given that's waived, we will move to the detention hearing. I have reviewed the Government's motion for detention. I've also reviewed the charging document pending against Mr. Hine. I've reviewed the Pretrial Services Report. I know the parties have had a chance to review that report by now and to analyze it. Mr. Hine, you have reviewed that report,

1 correct?

2 MR. HINE: Correct.

3 THE COURT: Are there any corrections from either party?

4 MS. TURNER: No corrections. Just I'm going to be
5 offering the -- I'm going ask for judicial notice of the
6 Complaint Affidavit and then I have some proffering.

7 THE COURT: Okay. Ms. Wang, any corrections?

8 MS. WANG: Yes, Your Honor. On page 2 with regard to
9 the road trip that was taken to Canada, that was last year. And
10 then on page 3 with regard to Mr. Hine's therapy, Mr. Hine's
11 therapist, that therapist is not with Columbia Psychiatry. That
12 therapist is with Work Life Counseling.

13 THE COURT: Okay.

14 MS. WANG: Thank you.

15 THE COURT: Thank you for those corrections. Taking
16 into account those corrections, will both parties stipulate to
17 the report and agree that if called to testify, the Pretrial
18 Officer would testify consistent with the report?

19 MS. TURNER: Yes, Your Honor.

20 MS. WANG: Yes, Your Honor.

21 THE COURT: Okay. Without objection, I'll move that
22 report into evidence. I know the Government has a proffer. You
23 may move forward with that, Ms. Turner.

24 MS. TURNER: Yes, Your Honor. Just briefly. There was
25 a portion of the Pretrial Services Report that talks about the

1 defendant being a primary care for his father. I know that the
2 agents have relayed to me that they have hired a service that
3 comes in and that helps take care of Mr. Hine.

4 THE COURT: Okay. Thank you. And I assume there's no
5 objection to move the Affidavit into evidence, and I will do so
6 at this time. Ms. Wang, any additional evidence and/or proffer?

7 MS. WANG: No, Your Honor.

8 THE COURT: Okay. Ms. Turner, since you represent the
9 moving party, I'll hear from you first and then I'll hear from
10 Ms. Wang.

11 MS. TURNER: Thank you, Your Honor. The Government
12 moves for detention pending trial in this matter for the
13 following reasons. One is we believe that Mr. Hine is a danger
14 to the community. Looking at the Complaint Affidavit it is clear
15 that this young man was involved in some very serious conduct.
16 So, first and foremost, he has victimized MV1 who was the victim
17 that was charged in the Complaint Affidavit. In doing so, he met
18 her online. He began talking with her. He knew her age and
19 traveled to Mississippi in order to engage in sexual intercourse
20 with her. It didn't just end there. He produced child
21 pornography, induced her to produce child pornography, both
22 remotely via the Internet, as well as when he was in person by
23 recording with a cellular telephone and then returning back to
24 Missouri or Chicago, wherever he was residing. And one thing to
25 tell the Court is he was engaging in this activity both while he

1 was a college student and while he was living at home with his
2 parents. So, that in and of itself, that conduct is extremely
3 serious. But Mr. Hine took it further. A couple of other
4 additional victims are mentioned in the Affidavit, listed as
5 Minor Victim 2 and Minor Victim 3. The defendant then used the
6 child pornography that he had produced with Minor Victim 1 to
7 help to induce Minor Victim 2 and Minor Victim 3 into creating
8 their own child pornography. That, in and of itself, is serious
9 behavior and very serious criminal conduct. But the defendant
10 took it a step further. This defendant then advertised and put
11 these pictures out there for people to purchase on the Internet.
12 And he utilized Cash App, as well as received gift cards in
13 exchange for this content. So, and we know for sure that
14 individuals purchased these files, these videos, these pictures
15 because an individual, one of those buyers was intercepted and
16 was -- is charged out in New Jersey. And these images were
17 located on his cellular telephone device.

18 This is an ongoing investigation. As you know with a
19 Complaint, the entirety of the Government's case and the entirety
20 of the Government's charges have not been charged as of yet. I
21 can say that as this investigation is continuing, HSI agents are
22 continuing to identify additional victims at this time, some as
23 young as the age of 11.

24 So, I know that Mr. Hine has family support. I know
25 that Mr. Hine does not have a criminal history. And I know that

1 Mr. Hine is a young man relatively to a lot of the types of
2 defendants that we see here in court. However, Mr. Hine was
3 involved in a very serious enterprise involving the creation,
4 victimization, advertising, and selling of young minors' conduct
5 -- or sexual conduct. So, he is a hands-on offender. He is a
6 child pornography producer. He is a child pornography
7 distributor. And he is exchanging that child pornography for his
8 financial gain. For all of those reasons, and for the nature of
9 the -- and how -- we have victims all over, you know, in
10 different states, in different -- through the country and the
11 fact that Mr. Hine has conducted all of this either remotely or
12 in person, the Government would respectfully request that he
13 remain detained pending pretrial -- pending trial. I will say
14 because Mr. Hine has no criminal history, because he has not had
15 experience with the court system, we don't have prior behavior to
16 predict whether or not he will appear, so the Government is not
17 moving for -- because he's a flight risk, except for the fact
18 that these are very serious charges with -- as charged now with
19 this particular offense, a mandatory minimum of ten years up to a
20 lifetime in prison. So, that's the only basis for flight risk
21 that the Government is proposing at this time. So, as I've
22 stated, the Government requests that this defendant be detained.

23 THE COURT: Okay. Thank you so much, Ms. Turner. Ms.
24 Wang.

25 MS. WANG: Thank you, Your Honor. We request that Mr.

1 Hine be released pending trial. As the Court knows, in
2 determining whether Mr. Hine should be released there are two
3 questions. The first question is whether the presumption of
4 detention in this case has been rebutted. And the second
5 question is whether there are any conditions or whether the
6 Government has met its burden of proof that there are no
7 conditions that could reasonably assure Mr. Hine's appearance in
8 court and the community's safety.

9 With regard to the first question, we have a wealth of
10 evidence that rebuts the presumption. With regard to the second
11 question, the Government has not met its burden of proof. There
12 are conditions that could reasonably assure Mr. Hine's appearance
13 in court and the community's safety.

14 Going to the first question, the presumption of
15 detention is rebutted in this case by just some of the evidence.
16 As the Court knows, the standard for rebutting the presumption is
17 not a high standard. It requires us to produce, as I mentioned,
18 some evidence that -- some evidence, for example, Mr. Hine's
19 family ties. As the Government mentioned, Mr. Hine has the
20 support of his family. And as the Pretrial Services Report
21 noted, his parents are very supportive. That is demonstrated by
22 their appearance in court with us today. Mrs. Lisa Hine and Mr.
23 Edward Hine, who goes by Ward, came down from Columbia. Mrs.
24 Hine took time off from work. And Mr. Hine, despite his physical
25 limitations due to his Stage 5 metastatic melanoma cancer, came

1 to support their son. There is --

2 THE COURT: Yeah. The Court would like to thank the
3 parents for being here. It means a lot to the Court. It means a
4 lot, I know, to Mr. Hine, and it means a lot to counsel. So,
5 thank you for being here.

6 MS. WANG: As the Pretrial Services Report noted about
7 their support, they're willing to remove devices, disconnect
8 their network, which would address concerns that the Court might
9 have based on the Complaint of any activity that Mr. Hine may
10 conduct on the Internet if he were to be released. So, that is
11 just some of the evidence that rebuts the presumption.

12 I'd like to start in terms of the other evidence with
13 Mr. Hine's character. He is a compassionate and giving young
14 man. That compassion and giving is evidenced, as the Government
15 noted, in the care giving that he gives to his father who was
16 diagnosed with cancer about 11 years ago. Since then, Mr. Hine
17 has taken care of his father. His father describes Mr. Hine as
18 his right arm. And he is literally his right arm, helping him
19 get dressed, bringing him things, lifting things up, maintaining
20 their home and yard, sweeping the back deck so that Mr. Ward Hine
21 can engage in hobbies like gardening, running errands like
22 grocery shopping so that Mr. Edward -- Mr. Ward Hine can cook.
23 Mr. Hine worked as a chef and still works part-time as a chef if
24 Mr. Edward Hine is able to help him. He caters food for the bank
25 that he works -- that employs him. And maybe more importantly,

1 Mr. Ryan Hine provides his father companionship. Because his
2 father spends so much of his time alone at home, he's isolated
3 from his family members and community members. So, they do
4 things like watching movies, action and comedy movies to keep the
5 spirit light. They recently watched a movie "Red Notice" on
6 Netflix. In terms of helping Mr. -- helping his father with his
7 medical needs, Mr. Hine remembers appointments, drives his father
8 to and from appointments, advocates for him during those
9 appointments, helps him manage medications, and is learning about
10 the Social Security and Medicare benefit system, which we know is
11 a -- are complicated systems. Mr. Hine is eager to learn about
12 all of the things that are related to his father's care. And, in
13 fact, he has put his life on hold to take care of his father. At
14 the beginning of the pandemic, Mr. Hine quarantined for two weeks
15 just so he could come home to take care of his father. What that
16 means, as you can tell, is a lot to his father. But it also
17 means a lot to Mr. Hine's mother who wouldn't to be able to work
18 if it were not for his care giving of his father. And, in fact,
19 Mrs. Hine stated that her son, Mr. Hine, knows more about her
20 husband's needs than she does because of how much time Mr. Hine
21 puts in to care giving. Outside of the family, Mr. Hine has the
22 support of a large extended family. His mother has eight
23 siblings and parents who live in Columbia who Mr. Hine sees a
24 couple of times a month. Mr. Hine, as the Government mentioned,
25 was in college studying. He has recently completed the

1 requirements to obtain a Bachelor's in Health Science, which he
2 -- which took him some time to discover, but which he really
3 enjoys now. And his -- although his path at school may not have
4 been a straightforward path, it became much easier after he
5 received treatment for his mental health illnesses including
6 ADHD, and started receiving therapy services to the point that
7 now he feels like his therapist, Caleb Cheavens in Columbia at
8 Work Life Counseling, is a big part of his support system.

9 With regard to employment, Mr. Hine has been working
10 since he was young doing odd jobs like pet sitting, which his
11 neighbors trusted him to do. He also has experience with other
12 areas like food service and retail. Most recently, he found a
13 job that he really enjoys and is really good at, care giving.
14 Specifically, care giving for elders through Right at Home.
15 There he is a loved employee because of his compassion towards
16 his clients. Not only does Mr. Hine enjoy that work, he does it
17 so that he can provide -- he can take care of himself financially
18 as well as his family. He wants to be able to help support them
19 because his father hasn't been able to work in a long time.

20 As the Government noted, Mr. Hine has no criminal
21 history. With regard to the offense, the allegations are very
22 serious. It is a testament to his parents' support of him that
23 they are very aware of the allegations -- of the offense and of
24 the seriousness of the offense, but they have come together as a
25 family to support him. And they will continue to support him

1 throughout this case. Also, with regard to the charged offense,
2 the Affidavit, as the Government referred to, has no allegations
3 of criminal conduct for the past 14 months. Furthermore, Mr.
4 Hine has no history of drug use. The risk that Mr. Hine poses to
5 the community is low. That is reflected in Pretrial Services
6 Pretrial Risk Assessment which scored him at 2. And so there are
7 conditions, there are a set of conditions that the Court could
8 impose that would ensure -- they don't have to guarantee -- it
9 would reasonably ensure Mr. Hine's appearance in court and the
10 safety of the community. And those conditions are contemplated
11 in 18 United States Code §3142, which sets out conditions for
12 individuals who are charged with offense involving minors. In
13 this case those conditions would reasonably assure Mr. Hine's
14 court appearance and the safety of the community. Therefore, we
15 ask that Mr. Hine be released pending trial. Thank you.

16 THE COURT: Thank you, Ms. Wang. Mr. Hine, the Court in
17 situations where a defendant has no criminal history has usually
18 granted bond. But given the serious nature of the charge as
19 outlined in the Affidavit with the allegation that this is a
20 pattern of conduct involving not one victim, not two minor
21 victims, not three minor victims, but at least three, if not
22 more, and this involves actual sexual activity on an ongoing
23 basis with at least one minor victim. For those reasons, the
24 Court believes that you do pose a danger to the community. The
25 Court has concern that you pose a danger to specific individuals.

1 The Court is concerned that you have traveled to great lengths to
2 allegedly commit these offenses. The Court has not heard
3 anything which would lead me to believe that you would be
4 successful under supervision. And, therefore, the Court will
5 detain you pending trial of this matter. Is there anything
6 further from the United States?

7 MS. TURNER: No, Your Honor.

8 THE COURT: Okay. Ms. Wang?

9 MS. WANG: For purposes of the record, what is the
10 Court's ruling with regard to the presumption of detention?

11 THE COURT: That the defense has not overcome the
12 presumption.

13 MS. WANG: Okay. Thank you, Your Honor.

14 THE COURT: Thank you. Okay. We'll be in recess.

15 (Court Adjourned at 10:11 a.m.)
16
17
18
19
20
21
22
23
24
25

1
2
3
4
5
6
7
8 I certify that the foregoing is a correct transcript from
9 the electronic sound recording of the proceedings in the above-
10 entitled matter.

11 /s/ Lissa C. Whittaker
12 Signature of Transcriber

March 1, 2023
Date

13
14
15
16
17
18
19
20
21
22
23
24
25